

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:25-CV-00283-M**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; SAM HAYES, in his official
capacity as Executive Director of the North
Carolina State Board of Elections; FRANCIS
X. DE LUCA, JEFF CARMON, STACY
EGGERS IV, SIOBHAN O'DUFFY
MILLEN, and ROBERT RUCHO, in their
official capacities as Members of the North
Carolina State Board of Elections; and
STATE OF NORTH CAROLINA,

Defendants.

**CONSENT
MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF'S
COMPLAINT**

Defendants North Carolina State Board of Elections, Sam Hayes, in his official capacity as Executive Director of the State Board of Elections and Francis X. De Luca, Jeff Carmon, III, Stacy Eggers, IV, Siobhan O'Duffy Millen, and Robert Rucho, sued in their official capacities as Members of the State Board of Elections, and the State of North Carolina (collectively "Defendants"), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, hereby move for an extension of time of 30 days to answer or otherwise respond to Plaintiff's Complaint [D.E. 1] up to and including August 27, 2025. In support of this motion, Defendants show the following:

1. Plaintiff filed its Complaint on May 27, 2025. [D.E. 1]

2. Defendants executed Waivers of Service of Plaintiffs' Complaint, and as a result, Defendants must answer or otherwise respond to Plaintiff's Complaint on or before July 28, 2025. [D.E. 14-21]; *see* Fed. R. Civ. P. 4(d)(3) and 12(a)(1)(A)(ii).

3. In June, multiple parties filed motions to intervene supported by a memorandum of law asserting intervention as of right, or alternatively, permissive intervention. [D.E. 7, 8, 34, 35, 39, 40] Plaintiff and Defendants opposed those motions, which remain pending. [D.E. 55, 56, 57]

4. Good cause exists to grant the instant Motion for Extension. Defendants are implementing a remedial plan that is likely to resolve all issues raised in this matter and potentially others.¹ As a result, Defendants and Plaintiff have been negotiating in good faith to resolve the instant case. An extension of time of 30 days will allow Defendants additional time to continue those efforts and allow the parties additional time to negotiate a potential resolution without the need for further litigation or the use of judicial resources.

5. Accordingly, Defendants request an extension of time of 30 days, up to and including August 27, 2025, within which to file an answer or otherwise respond to Plaintiff's Complaint.

6. This is Defendants' first request for an extension of the deadlines to respond to Plaintiff's Complaint.

7. This motion is being made within the current deadline and is not being made for any improper purpose.

¹ *See* State Board website, "Registration Repair | NCSBE," <https://www.ncsbe.gov/registrationrepair> (last visited July 23, 2025).

8. Undersigned counsel believe that the extension of time is reasonable to accomplish the necessary steps described above.

9. Undersigned counsel consulted with counsel for Plaintiff, who consents to the 30 day extension of time.

WHEREFORE, Defendants respectfully request that the Court enter an order extending the time within which to file an answer or otherwise respond to Plaintiff's Complaint, up to and including August 27, 2025.

Respectfully submitted this the 23rd day of July, 2025.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

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